

Ralph Nader's Response to the Powell Memorandum of August 23, 1971

CONFIDENTIAL MEMORANDUM

Attack on American Free Enterprise System

DATE: August 23, 1971

TO: Mr. Eugene B. Sydnor, Jr., Chairman, Education Committee, U.S. Chamber of Commerce

FROM: Lewis F. Powell, Jr

Perhaps the single most effective antagonist of American business is Ralph Nader, who—thanks largely to the media—has become a legend in his own time and an idol of millions of Americans.

1. The Powell Memo—Context, Content, and Immediate Impact

Fifty-four years ago, Lewis F. Powell Jr., a corporate lawyer from Richmond, Virginia, was commissioned by the U.S. Chamber of Commerce to produce a blueprint outlining how Big Business and its allies could build political power and make the people subordinate to corporate domination. The thirty-four-page “Powell Memorandum,” deceptively titled “Attack on American Free Enterprise System,” was instead an attack on civic values. Soon to be elevated to the U.S. Supreme Court by President Richard Nixon, Powell delivered a clarion call for the Chamber to mount a muscular counterattack to what he described as a burgeoning assault on the “free enterprise system,” “capitalism,” and the “profit system.” Not just “the new Leftists,” he exclaimed, but the “perfectly responsible elements of society, from the college campus, the pulpit, the media, the intellectual and literary journals, the arts and sciences and from politicians” would, in his words, “destroy the entire system, both political and economic.”

Powell took to task the “apathy and default of business,” especially their neglect of college campuses as fomenters of the assault and breeding ground for their graduates moving into “regulatory agencies or governmental departments” with hostility. Given such hostility, universities required a deep, multi-pronged engagement by business, he advised.

Powell made additional recommendations to shape the media, the political arena, the courts, and the “neglected stockholder power.” No more “low profiles,” he demanded—instead, organized businesses had to adopt a far more aggressive attitude toward the “preservation of the system itself.”

He concluded his urgent advisory by raising the looming specter of “denial of economic freedom” and “inequitable taxation,” which is “followed inevitably by governmental restrictions on other cherished rights.” “Business and the enterprise system are in deep trouble and the hour

is late,” he intoned.

Just what was occurring in August 1971, with the White House occupied since January 1969 by a conservative, corporatist-Republican, Richard Nixon, that could have supercharged Powell’s sweepingly exaggerated consternation?

Congress had passed or was seriously considering moderate, overdue consumer, environmental, and job safety legislation: the creation of (1) the EPA (1970) to prevent or diminish harmful toxins in air, water, and soil; (2) OSHA (1971) to reduce workplace illnesses and injuries; (3) the Legislative Reorganization Act of 1970 (which brought some sunshine to the dark congressional process); (4) the modest Clean Air Act (1970) and the Clean Water Act amendments of (1972). The Consumer Product Safety Act (CPSA) was enacted on October 27, 1972. Responsibility for administering the Flammable Fabrics Act (enacted in 1953, expanded in 1967) was transferred to the Consumer Product Safety Commission (CPSC) when the agency was created in 1972. The Wholesome Poultry Products Act was passed on August 18, 1968, but was significantly strengthened by the Wholesome Meat Act amendments of 1970.

These were some of the “provocations” of the “ideological attack on the system” that motivated Powell while President Nixon was signing long-urged legislation, with enthusiastic rhetorical support. Earlier in 1966, the federal motor vehicle safety, pollution control, and fuel efficiency laws were passed unanimously in Congress and were saving lives and advancing motor vehicle efficiencies.

Was Powell freaked out by the radical rhetoric in the streets, or the large weekend demonstrations by civil rights and anti-war advocates, or the occasional appearance of corporate reformers on popular commercial network television shows anchored by Phil Donahue, Mike Douglas, and Merv Griffin? The Richmond, VA utility industry lawyer did not specify, attaching his jeremiads to detail-deprived generalities. Perhaps he had to be abstract since there was no alien ideology behind these laws, no “ism” that he could attribute to an alien movement.

2. Corporate Consolidation and Political Influence Since the 1970s

The Powell Memorandum struck the right chords for trade associations like the Chamber, which grew its budgets and staff by echoing Powell’s warnings and adopting his recommendations. The Chamber started becoming a more powerful lobby, targeting Congress and the state legislatures, and later initiating judicial interventions against cases brought by aggrieved parties suing corporate defendants. In 1972, the Business Roundtable was formed, consisting only of major CEOs of large companies, to further the activities urged by Powell.

In the late 60s and early 70s, several national public interest groups were also formed, including Public Citizen, Greenpeace, Natural Resources Defense Council, Common Cause, Center for Science in the Public Interest, Environmental Defense Fund, the Center for Auto Safety, the Consumer Federation of America, numerous civil rights organizations, and the National Organization for Women. Various labor reform groups also emerged in this period. Their total budgets did not remotely match that of the Chamber or its allied business lobbies. However, these new progressive organizations, their proposed reforms, and their exposés received national

news coverage, which provided a receptive climate for congressional action. Long-overdue air and water pollution control laws, the Safe Drinking Water Act, and the Freedom of Information Act were passed with support from both parties. Sometimes judicial decisions bolstered these enactments.

We did not, however, anticipate that the more aggressive business lobby would block similar gains, including defeating the proposed Consumer Protection Agency, during the Ford and Carter Administrations. The growing influence of big business continued, breaking into a veritable rout of both civic and governmental checks and balances with the arrival of Ronald Reagan's eight-year presidency of, by, and for giant corporatism.

The ensuing dismantling and wreckage of the frail regulatory state, and the populating of the federal courts up to the Supreme Court with corporatist judges, continued with increased momentum. The legislative achievements of the late 60s and early 70s have not been matched since. Further degradations at the state level, driven by GOP gerrymandering and furious business lobbying formations (such as the American Legislative Exchange Council, "ALEC") enabled by vast sums of monies from the likes of the energetic Koch brothers and their network, have far outpaced liberal/progressive efforts and funds from wealthy progressive donors.

For example, long-established state usury laws were almost entirely repealed by state and federal legislation or overturned by the Supreme Court, unleashing exorbitant interest rates. At the same time, one-sided fine-print contracts and the abusive credit economy started closing in on consumers. The corporatists developed messianic ideological fervor, garnished by their outspoken hired-gun academic champions and right-wing pro-corporate mass-media spokespeople, especially dominating radio talk shows. Meanwhile, the liberals and progressives were unable to expand and rise to the challenge. The increased solicitation in the early 1980s by the Democratic Party of strings-attached campaign money from expanding business PACs further undermined citizen movements that were told, in so many words, by reigning corporate Democrats, that they had nowhere to go. The corporate monetary chains on the two-party duopoly were tightening by the year. In 1996, led by President Bill Clinton, Congress passed laws further concentrating corporate power in the agribusiness, communications, and drug industries.

Over time, the ever more consolidating giant corporations embarked on a massive all-points mission of intricate controls over our political economy, our valuable commons, the mass media, educational institutions, organized religious groups, and legal organizations. The loss of senior Democratic senators and representatives in Ronald Reagan's landslide 1980 victory over Jimmy Carter further advanced the expansive corporate hegemony. The civic opposition, striving for restraint over the more blatant injustices, was simply overwhelmed. Increasing automation and industry flight to authoritarian countries with low-paid workers weakened the U.S. labor unions more each year. The move by major print media, like the *New York Times* and *Washington Post*, into stock exchange listings created demanding profit maximization constituencies for these papers.

With the weakening of organized labor and civic movements, and the collapse of labor and consumer reporting, corporate strategists no longer needed an overt coordinated plan. They just did what came naturally for profit-seeking firms accustomed to doing whatever they can get

away with in a political/legal environment that provides them with ever-expanding privileges and immunities. The corporate DNA craves control—euphemistically called predictability. Control becomes the subject of intense strategic and tactical innovation. Witness how consumers lost control over their own money in the incarcerating credit and Internet Gulag, which exposed them to vast fines and fees rooted in the horrendously one-sided fine print of indecipherable contracts. Note that many of these “contracts of adhesion” offered severely limited, or worse, altogether abolished judicial remedies, due to compulsory arbitration clauses, and the use of corporate straitjackets of credit ratings and credit scores companies used to “blackmail” or chill consumers from complaining about unfair corporate practices.

There were plenty of points of least resistance for consumers, workers, communities, and politicians. There is also plenty of low-hanging fruit for the plutocracy. Brandishing the power of commercialism and its inducements, corporate power overcame Congress, state legislatures, and city councils and turned those campaign contribution-monetized institutions into a fulcrum for corporations to get their way. Giant corporate law firms furnished many of the strategic and tactical tools to carve out widening spheres of unchallenged power focused directly on the populace and through the mostly indentured three branches of government. Ever lower corporate taxes and expanding sweetheart procurement contracts that outsource the work of government are examples of the reach of corporate power. The meager output from the three branches of government tending to matters essential for the people has been self-evident. Also, many public services and public works have atrophied.

In 1981, Rep. Tony Coelho (D-CA) became chair of the Democratic Congressional Campaign Committee (DCCC) and spearheaded the “opening up [of] the DCCC’s fundraising to defense contractors, oil producers, venture capitalists and other businesspeople...” as reported by *In These Times* in an article titled: “[The DCCC’s Long, Ugly History of Sabotaging Progressives.](#)”

Under Coelho’s command, many Democrats began wholesale *quid pro quo* solicitation of scores of corporate and other special interest PAC donations with predictable results. This meshed with the incoming Reaganite Republicans’ brazen solicitation of self-touted “wish lists” from trade associations. In a 1986 *Atlantic* article, Gregg Easterbrook writes, “Off the record, some Democrats maintain that Coelho is bartering away the party’s populist birthright. On the record, Robert Kuttner has called him ‘the Milo Minderbinder of campaign finance, with something to sell just about everybody.’” The number of congressional hearings on corporate abuses continually declined, as did regulatory agency responses to citizen group petitions. Regulatory agencies were busying themselves with unobstructed deregulation of their statutory missions. Corporate judges were confirmed *en masse* by Congress. The corporate crime wave roared to ever higher levels of impunity, along with the unaudited, untouchable, swollen military budgets and vast corporate welfare outlays. Unfortunately, the unbridled growth of corporate power did not spark any significant civic resistance.

3. Corporate Power Over Government and Society

How our country arrived at its present status as a *corporate state* where the government guarantees and funds big business, ignores most corporate crime, and impedes public participation in all branches of government is a media story being told, at best, in sporadic

pieces. The whole of the corporate takeover is more than the sum of its parts. The full account of the strip-mining of the power of “We the People” has not been aggregated either in the public realms of communications or educational institutions, including law schools, which largely churn out technicians making a rich living by brokering corporate power under a facade of legality. Few of these degradations are being regularly measured or *qualitatively* and *quantitatively* assessed.

Aside from one minor experiment, there is no Department of Justice corporate crime database. There are no Treasury or Department of Labor official *qualitative* yardsticks used to analyze the annual GDP and measure what the national economy is doing for the citizenry. There is little interest in controlling the great *commons* for the people of this country who own them (See David Bollier’s book, [*Think Like a Commoner*](#), New Society Publishers, 2025). We, the people, long ago lost any dominion over the management, disposition, depletion, or regeneration of the commons. The public lands, the public airwaves, the trillions of dollars in mutual and pension funds, and the huge grants of federal R&D to create and enlarge many of today’s foremost industries have become corporate instruments for aggregating ever more unaccountable power, control, and undertaxed profits.

Notwithstanding the large number of books and documentary exposés of corporate malfeasance, these reports reached much smaller audiences than when the TV and radio networks offered accessible talk shows for occasional discussions of organized civic and labor agendas.

As corporate crime, fraud, abuse, and corporate welfare surge, their victims find themselves represented by aging civic organizations that are becoming ever weaker in comparative resources, capabilities, and vision. Major corporate leaders, however, believe that their power centers must themselves become growth centers with innovative systems of control to ensure the maintenance of their dominance. From 1980 to the present, corporate lobbyists at the federal and state levels have increased exponentially, now vastly outnumbering their public interest opponents. These lobbyists and their front groups, unlike their opponents, have much to offer—money, technical drafting, and political cover by corporate law firms, local dealers and agents, lucrative jobs for lawmakers after leaving public office, socializing junkets, and assurances of no primary opponent if the solons go along.

The growing influence of business provides more staff recruits for congressional offices (the K Street Corps), more nominees for high executive branch positions, and more candidates for federal judgeships than public interest organizations. Many corporate lobby groups are formed using astroturf names designed to mimic the names of citizen organizations.

Multinational corporate entities themselves have evolved toward greater immunity, cost transfers, evasions, and secrecy, enhanced by gaming the tax laws and taking advantage of permissive regulatory and tax havens in tiny states and countries.

On the other side, there has been largely stasis and, in the case of labor unions, a precipitous decline in membership, resources, leverage, and most crucially, a flagging fighting spirit by union leadership.

A scan of what Big Business has achieved with its indentured government servants is a decisive confirmation of the American people's fateful subordination. Business tax rates in the face of record profits are at a record low, and actual payments are even lower.

President Dwight Eisenhower's explicit warning that "we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex" was prophetic. The Pentagon is massive, out of control, unlawfully unauditably for decades, and rife with waste and back-scratching cost overruns and autocratic leadership. The military budget automatically expands yearly as Congress gives a bipartisan rubber stamp to the Pentagon's budget requests, often even giving the DOD more money than the generals requested. With little congressional oversight and meager coverage, the Pentagon is emboldened to waste taxpayer dollars.

The effect, precisely predicted by Eisenhower, is a depletion of public budgets for domestic necessities, an abridgment of our liberties, and recent, unpaid-for criminal wars of aggression, handed off as deficits for our descendants. Pentagon budgeting oversight is now treated as a taboo subject by both Republican and Democratic lawmakers. There are no members of Congress like Senators William Proxmire and William Fulbright, or Representative Henry Waxman, to hold rigorous oversight hearings. The military-industrial complex has long been known for its limitless acquisitions of military weapons and foreign policy protections for its overseas entrenchments, as pointed out long ago by the two-time Congressional Medal of Honor winner, Major General Smedley Butler, in his enduring 1935 book, *War is a Racket*.

Corporate welfare grows every year (See my book, *Cutting Corporate Welfare*, Seven Stories Press, 2000). It is becoming both more overt and routinely expected, and replete with devious schemes to seize subsidies (See goodjobsfirst.org for information about corporate tax breaks and subsidies), handouts, giveaways, and bailouts, rushing toward a state of unchallenged government-guaranteed big business socialism/capitalism. The failure of the nuclear power industry and its government bailouts and guarantees is a gigantic case in point. Troubled small businesses are, of course, expected to meet the verdict of the marketplace, go bankrupt, or close down. This is not the case with Big Business.

The need for an updated federal criminal code is consistently unrecognized on Capitol Hill, as the prospect of jailing major corporate crooks hovers near zero. The main regulatory statutes for environmental and consumer worker health and safety have remained essentially unchanged for the past fifty years. Meager government enforcement budgets are too small to enforce the existing laws and regulations. This stagnation is also true for the main anti-labor and anti-union laws, such as the Taft-Hartley Act of 1947, which has remained entrenched and unmentioned by most liberal candidates for over 75 years. OSHA's annual budget for the safety of 160 million American workers was \$632 million in 2025. In 2012, the *New York Times* reported that, cost of the U.S. embassy building in Iraq and associated diplomatic operations was \$750 million.

Corporate influence breeds congressional inaction toward climate disruptions, pandemics, and multiple rising debt crises, along with "pay or die" corrupt health/drug industries. The U.S. lags behind other Western nations in social safety nets and services. Unpatriotic "U.S.-born" corporations that rose to profit on the backs of American workers and taxpayers refuse to bear

their fair share of tax revenue. Year after year, ever more large companies are paying little or no taxes on U.S.-based profits further enabled by an IRS compliance budget starved by the GOP.

In 2024 the Economic Policy Institute reported that corporate CEOs, paid themselves well over 290 times as much as a typical worker in 2023, and according to the Institute for Policy Studies, the CEO-worker pay gap at the 100 lowest-wage major companies averaged 603 to 1 in 2022 (in 1980, before the Reagan Presidency, it was 40 to 50 times more). Corporations fight to freeze worker wages, deplete or loot pensions promised to their employees, and display little to no loyalty toward our country's communities and the well-being of children and future generations.

The crime of extensive child poverty in our country reflects low wages, starved social and public services, and crumbling health, transit, and educational infrastructure, directly attributable to the Big Business Barons' power to evade or avoid our tax systems. At the local level, property taxes are abated or long-term tax moratoriums are instituted. These companies increasingly demand large tax holidays to enter or stay in shaken-down localities. Increasingly, corporations create controlled markets of corporate coercion and fail to deliver on promises of jobs.

Proponents of free market fundamentalism argue that laissez-faire policies can solve various economic and social problems. But Nobel Prize winner Joseph Stiglitz and many other economists and consumer advocates refute this meritless theory. Stiglitz argues that "unfettered markets often not only do not lead to social justice, but do not even produce efficient outcomes." Nonetheless, the marketeers continue to engage in the widespread promotion of free market fundamentalism as a universal restraint or check on excess corporate power. This fiction is not supported by the empirical data showing that large companies want the advantage that comes with controlling markets. (See C-SPAN broadcast of October 19, 2018, Center for Study of Responsive Law conference on market fundamentalism).

Corporate strategists plan mergers to avoid competition (See FTC lawsuit re: Facebook's purchase of Instagram and WhatsApp) and use tactical bankruptcy to avoid accountability for crimes and civil harm. They strategically plan to influence our elections and governmental decisions, including the allocation of public budgets, debt, our taxes, financial institutions, and healthcare systems (See *Out of Darkness, Essays on Corporate Power and Civic Resistance*, Seven Stories Press, 2024). They shape energy, agriculture, food processing, and transportation policies, define environmental standards, shape land use planning and zoning, impose fine-print consumer servitudes, restrict access to the civil justice system, determine workplace risks, curtail resisters' freedom of speech, and often repressively retaliate against those who challenge controlling corporate processes.

Corporate power even plans the commercialization of childhood as a profit center, circumventing parental authority through massive daily and harmful direct marketing to youngsters through TV and smartphones, and the engulfing Internet. They patent our unregulated genetic inheritances, and most recently, construct the terms and conditions for abducting youngsters into virtual reality.

As artificial entities, corporations have demanded and received equal rights under our Constitution, which only mentions "We the People" and "persons" in its text, never corporations. Attached to their immense powers vis-à-vis individual human beings, this status leads to greatly

asymmetrical corporate advantages. This artificial construct of corporate personhood exacerbates corporate command over capital, labor, technology, and intellectual property within expanding frameworks of immunity and impunity. Such imperial status produces a mockery of equal protection of the laws between giant corporations and human beings. Without equal protection or equal justice under the law as a basic constitutional protection, we cease to be a struggling democratic society, much less a Republic. Justice Louis Brandeis’ fear that we are creating a “Frankenstein monster” in our midst (See, [Louis K. Liggett Co. v. Lee, 288 U.S. 517, 1933](#)) is accelerating into the runaway reality of corporate-driven algorithms and expanding generative “artificial intelligence,” without legal and ethical frameworks. (See [Autonomous Weapons Open Letter: AI & Robotics Researchers](#), February 9, 2016, published by Future of Life Institute). In 2015, in a response to a question about the Supreme Court decision in the Citizens United case, former President Jimmy Carter said, “It violates the essence of what made America a great country in its political system. Now it’s just an oligarchy, with unlimited political bribery being the essence of getting the nominations for president or to elect the president. And the same thing applies to governors and U.S. senators and congress members. So now we’ve just seen a complete subversion of our political system as a payoff to major contributors, who want and expect and sometimes get favors for themselves after the election’s over. ...”

4. Social Consequences and Erosion of Democratic Controls

A more grassroots evaluation of corporate power pertains to the kind of impoverished and distorted economy delivered by corporate statist. In the midst of the 1930s Great Depression, economist John Maynard Keynes foresaw the rising productivity of modern industrialized societies, bolstered by government fiscal policies, as soon “solving the economic problem,” by which he meant the abolition of poverty. But over time, corporate priorities of what the economy would deliver differed from the vision of Lord Keynes. Despite an increase of almost twenty-fold in inflation-adjusted GDP per capita from 1900 to 2020, systemic poverty afflicts half our populace. Why is public infrastructure crumbling with inefficient and hazardous consequences? Why has corporate strategic planning impeded or displaced public strategic planning for resource allocation? Doesn’t that create environmental or health hazards? Why does the management of the vast commons owned by the people benefit large corporations at the expense of the public? Why do corporate interests obstruct the production of crucial public goods for dealing with the climate crisis and undermine preparedness for oncoming pandemics and other omniscidal technologies?

One explanation is that the captains of the modern corporate economy have moved their attention away from people's *necessities* and toward *wants, whims, entertainment* and outright speculation/gambling, and the making of money from money. The corporate rulers are disinvesting from the building of empirical economies, on the ground where people live, work, and raise their families. It is not only labor that is seeing the shrinking of its share of the GDP as compared to capital. The share of public investments in these necessities—e.g., housing, healthcare, more nutritious food, safe energy, efficient transportation for the people, and public education—has fallen behind the investments in militarism, in wants, whims, entertainment and speculation/gambling. In 1997, political economist Susan Strange coined the term “Casino Capitalism” to describe out-of-control Wall Street speculation. This term was widely used by business publications such as *Business Week Magazine* over twenty-five years ago. Increasingly,

we are dealt a corporate economy that even disinvests in itself (e.g., trillions of dollars in unproductive stock buybacks to raise metrics for huge, record executive compensation).

Assuredly this corporate economy is quantitatively doing well for the top ten percent of the population, exceedingly well for the top one percent, and beyond the dreams of avarice for the top one-tenth of one percent with concentration of wealth accelerating by the year at the expense of the shrinking middle class, which is falling into the lower income classes and is steeped in inescapable debt. The middle class and the poor are even deprived of legislative champions who are capable of unfreezing the federal minimum hourly wage of \$7.25 since July 24, 2009, and raising it to a long overdue nationwide \$15 an hour or more minimum wage.

The domination of structural corporate power rooted in the doctrine of corporate personhood is everywhere, yet is nowhere in the public and electoral dialogue or in the mainstream media. Despite news reports about many corporate abuses and violations, the media largely fails to adequately report on the political economy. Instead of focusing on class, the focus is on race—better to divide and rule the people—and on sexism—better to divide the genders— (now the major cause, ironically, of the forced resignation of misogynistic executives). Often ignored is that historically *class*, very profitably, exploited *racism* and *sexism*.

Various polarizations are also exploited by the two-party duopoly, which blocks opportunities for smaller parties and different agendas to be represented on the ballot and for third-party or independent candidates to participate in candidate debates. The political duopoly makes its profitable arrangements with the “monied interests.” Gone is the chance to have a diverse array of candidates offering more voices and choices and ensuring a more competitive democracy. Eligible voters—half of whom stay home and do not vote—make the U.S. one of the lowest voter turnout countries in the Western world. Non-voters have their reasons, which the two major parties do little to understand or address.

The nuances of a corporate-managed economy are revealed in the following paradoxes.

The first paradox is the concentration of *private wealth* in a few hands, notwithstanding that *public wealth* and much private wealth are owned by the people. This wealth includes the vast public lands onshore and offshore, the public airwaves, the mutual funds and pension funds, bank savings, public budgets, and the trillions of research and development (R&D) taxpayer dollars used to build and sustain most of the major industries in our country.

R&D includes corporate sectors such as military weapons/maintenance, aerospace, computers, biotech, nanotech, pharmaceuticals, healthcare, agribusiness, medical device, and containerization—to name some of the more prominent industries. Altogether, the peoples’ assets held in various forms known as the *commons* could resource a democratic economy. Instead, corporations with their superior acquisitive intensity have taken *control* of what people *own and enabled mightily another layer of corporate supremacy almost* entirely unchallenged much less studied in our universities, law, and business schools. This evolving corporate control and exploitation of what the people lawfully *own* is a demonstrably intricate plutocratic occupation.

The second paradox is how systemic corporatism has caused much of the *economic* systemic racism (starting with slavery) and sexism over the course of American history, but has escaped

the attention of most people battling racism and sexism. Consider the inequalities of racism and sexism in employment, housing, credit, healthcare, exposure to environmental hazards, public services, consumer protection, and educational institutions and ultimately, the corporatized criminal injustice system. Throughout our history, the evidence (again starting with mass slavery) is crystal clear.

The third paradox is how U.S. corporations, while brandishing their patriotic public relations, have gotten away, until recently, with abandoning many communities and exporting millions of jobs to countries with fascist and communist dictatorships, whose leaders know how to keep wages punishingly low and who ensure that there is plenty of serf labor. Often, U.S. corporations license manufacturing processes to companies controlled by foreign governments to avoid U.S. laws dealing with child labor, workplace safety standards, consumer protection laws, and environmental laws dealing with air, water, and land pollution. What these companies could not achieve by moving plants to low-wage states in America, due to the safety net of federal fair labor standards, they managed to achieve on a far greater scale by paying \$2 to \$5 a day for unorganized, unprotected workers overseas.

This tax-subsidized flight from U.S. jurisdictions allows U.S. corporations to still export products back to the U.S. This is a huge “have your cake and eat it too” usurpation, producing hollowed-out U.S. communities, wracked by depression and drugs, foreign dependency, long and fragile supply chains, and national security risks. The U.S., for example, has only one tiny domestic manufacturer of antibiotics and relies heavily on the importation of medicines from poorly inspected labs in China and India. The U.S. government was caught dangerously unprepared to meet emergencies from the COVID-19 pandemic, with shortages of simple but crucial protective equipment due to corporations outsourcing the manufacturing of these critical products to foreign suppliers.

It is at the level of the corporate economy that commercialism’s dogma and power have uprooted the norms of freedom and justice. Here are some brief snapshots:

1. *The Workers*—The union membership rate for private sector workers is down to 6%—the lowest rate in a century. Workers are losing benefits such as defined benefit pensions; facing rising co-pays and deductibles if they even have employer-sponsored health insurance; and now, confronting job loss due to the next stage of automation. Workers are also facing greater regimentation by companies such as Walmart and Amazon with invasions of privacy and dignity not seen since the 19th century, coerced non-competition and non-disparagement contracts, the erosion of worker freedoms, and in many foreign countries, an increase in worker bondage. Anti-union legislation remains on the books, and the “Protecting the Right to Organize (PRO) Act languishes in Congress. Moreover, a bureaucratic, often privileged union leadership has not adequately cultivated new leaders nor stepped aside for younger, more energetic replacements.

2. *The Consumers*—The incarceration of the consumer inside the confines of the credit/debit economy, enforced by draconian, fine-print contracts severely limiting consumer rights, including access to the courts, continues to expand its iron grip. The paucity of consumer groups equipped to lobby, litigate, and organize new consumer groups, cooperatives, and collective buying associations is plainly evident. With

antiquated, weak consumer protection laws (See, “[The Represent Act: A Model State Consumer Protection Statute](#)” 2022), corporations are free to penalize customers, unilaterally change their “terms & conditions,” arbitrarily damage credit scores to intimidate people from making consumer complaints, and drive indentured consumers into crushing debt. These same corporations negligently facilitate identity theft, and with their automated, impenetrable voicemail curtains, avoid consumers by not answering or returning calls. Creditors, large landlords, and other businesses are now the dominant users of the Small Claims courts. Over a century ago, Harvard Law School Dean Roscoe Pound advocated for Small Claims courts as a simple mechanism for individuals and small business owners to go to court in matters involving small amounts of money.

Since 1980, corporate vendors and insurance lobbyists have worked overtime at state legislatures to secure PAC-greased legislative controls over the judiciary’s dispensation of justice with trials by jury. Jury trials for civil cases are approaching extinction. Corporate lawyers have pushed legislation to limit access to the courts and, through the coercive, non-negotiable, fine-print contracts, stripped unknowing consumers of their right to go to court, with the right of trial by jury to obtain justice. Corporate lawyers also lobby for caps on damages for most serious wrongful injuries. Regularly emerging are other obstructions of justice known as “tort reform” aka “tort deform”: (See, [The American Museum of Tort Law](#) (tortmuseum.org) and [The Case for the Civil Jury: Safeguarding a Pillar of Democracy](#) by Joanne Doroshow, published by the Center for Study of Responsive Law in 1995).

The federal and state governments could not have imposed such sweeping restrictions under our Constitution, as the waivers of consumer rights in fine-print contracts have done. Corporations have created a state of consumer peonage. (See the book, *Boilerplate: The Fine Print, Vanishing Rights, and the Rule of Law* by Margaret Jane Radin. Princeton University Press, 2012).

Thus, the two major historic pillars of self-initiating private justice and freedom, inherited from old England—the *law of torts* and the *law of contracts*—have been overwhelmingly corporatized with no end in sight.

Meanwhile, traditional consumer scams, disproportionately gouging minorities, the poor, and the elderly, have increased with no commensurate expansion of law enforcement. Worse, agency mandates and corporate crime enforcement are declining relative to newly emerging scams.

3. *The Taxpayers* (whose withheld taxes pay the bulk of the federal and state income taxes) are bystanders to the relentless corporate strategy of starving the Internal Revenue Service (IRS) budget to make it easier to pursue tax evasions and tax avoidance by large corporations and the super-rich. Since 2011, GOP corporate cronies in Congress have sharply reduced the IRS budget. Using highly exaggerated hearings featuring a few cases of alleged IRS over-reach (but failing to mention the large number of corporate tax evasion cases of under-reach). The congressional GOP, with little opposition from the timorous Democrats, stoked normal public distaste for tax collectors. Budget cuts that strip the IRS of thousands of investigators and skilled auditors benefit the very wealthy

and global corporate tax escapees. IRS civil servants could hold accountable those who rig and avoid the tax laws. For over a decade, the GOP, receiving the rewards in campaign cash, used scorched-earth budget reductions *to knowingly aid and abet tax evasions* and enlarge federal deficits for the next generations.

Unable to address ordinary taxpayers' questions for days at a time because of IRS budget cuts, public antipathy toward the agency increased. All these attacks played into the hands of the GOP and its plutocratic paymasters, as the Democrats stood idly by watching the strip-mining of the nation's chief revenue collectors for all operations, but especially for tax law enforcement for complex multinational companies and the super wealthy. Consequently, federal corporate tax collections on record corporate profits, as a percent of governmental revenue, reached a seventy-year low.

On February 24, 2025, seven former IRS commissioners, who served in Republican and Democratic administrations, wrote an op-ed published by the *New York Times* arguing, "Aggressive reductions in the I.R.S.'s resources will only render our government less effective and less efficient in collecting the taxes Congress has imposed. It will shift the burden of funding the government from people who shirk their taxes to the honest people who pay them, and it will impede efforts by the I.R.S. to modernize customer service and simplify the tax filing process for everyone."

In 2022, President Biden successfully pushed for congressional increases in the IRS budget despite continuing GOP attacks. The brief Democratic increase of the IRS budget has now been shredded by Trump's tax/budget legislation and a much worse scenario has now emerged with the Trump administration's devastating push to fire 25,000 IRS public servants (out of a total number of 95,000 staff).

4. *The Children*—With every passing year, corporations are intensifying their involvement in raising our children. Corporations see the capture of children as a key to increasing commercial wealth. Damaging children's health and exploiting children's taste for sugar, salt, and fat shape the food industry's playbook. Large food processors as marketers have produced a child obesity epidemic. Nearly one-third of U.S. children are obese or overweight. The rates of youth diabetes, hypertension, and other ailments are soaring. Commercial entertainment for children pours violence into movies, cartoons, and video games. Corporate pitchmen use many kinds of direct marketing video seductions of youngsters that lead them to nag their parents to buy what is bad for them. While Congress collects its PAC donations, the corporations stupefy millions of youngsters so as to seize their innocent trust and target their physical and mental vulnerabilities. According to the American Academy of Child and Adolescent Psychiatry, "Children and adolescents spend a lot of time watching screens, including smartphones, tablets, gaming consoles, TVs, and computers. On average, children ages 8-18 in the United States spend 7 1/2 hours a day watching or using screens." The corporate marauders who prey on vulnerable children should be condemned for bypassing parental authority and engaging in electronic child molestation. These intrusions are breaking apart family connections. There appear to be no commercial-free zones for the children anymore, and traditional outdoor childhood activities have been eclipsed by an all-devouring commercialized

Internet Gulag.

5. *Religious Institutions*—These historic sanctuaries from commercialism, almost by definition, have been weakened. The spheres of faith and religious values have over 2000 years, warned against crass materialism and giving excessive power to the merchant class, especially those who make money from money (the moneylenders). Many of the major religions banned usury, considering it evil or a crime. Today, even with the era of Trump and his many personal indulgences violating seven of the Ten Commandments, and often boastfully so, justice-sensitive religious institutions, pressured by evangelical supporters of Trump, have gone largely silent about his immoral acts. Organized gambling has broken through all religious constraints and now respects no boundaries or ages in this Internet age. This is a sure sign of societal decay.

6. *Shareholders*—Individual and large institutional shareholders—the owners of companies—have no reasonable control over the executive managers who, with their rubber-stamp Boards of Directors, rule them. Indeed, the ever-growing refinement of corporate law separating ownership from control, à la the thesis of Berle and Means in the 1930s, leaves dissident shareholders—large and small—with the option to sell their stock instead of being able to assert an effective voice for internal corporate reform and accountability. The paradox intensifies with the growth of giant mutual funds and pension funds owning large blocks of shares, but mostly organized in a similar corporate hierarchical, *privileged* manner vis-à-vis the individual stock owners. The managers of most mutual funds, like other corporate executives, wish not to be disturbed by activist shareholders or investors.

The Securities and Exchange Commission (SEC) has reflected the realities of such concentrated power of executive control over ownership throughout the years with its limited authority, a small budget, and a revolving door of commissioners. The SEC is an agency built for strategies of delay by corporate law firms that enable internal concentration of executive power within the companies. A Supreme Court decision in June of 2024 further clipped the SEC's enforcement authority. In *Loper Bright Enterprises v. Raimondo and Relentless Inc. v. Department of Commerce*, the Court rejected the *Chevron* framework that required courts to defer to reasonable agency interpretations of ambiguous statutes. In its place, the Court directed the judiciary to exercise its independent judgment to determine the meaning of federal statutes.

7. *Corporate law firms* present a façade of a dual purpose—to ensure that their clients comply with the laws and to defend them against inconvenient regulations and enforcement of the law. These firms are instructed by corporate executives toward higher ambitions. These include strategies and tactics to interminably delay compliance with the laws—including costly attrition inflicted on the plaintiffs—and to arrange for the defeat or dilution of any proposed legislation, including weakening both enforcement sanctions and decreasing agency budgets. A primary goal is to remove criminal penalties from pending regulatory legislation, as in the auto and aviation safety realms. In recent years, corporate law firms—some having thousands of lawyers—have used the corporatist judiciary—including campaign financing for the election of state judges—as a weapon in their arsenal, further undermining any corporate accountability stirrings within the

legislative and executive branches. The intellectual creativity of these firms has far surpassed the intellectual strategies proffered by their underfunded government or citizen opposition. For example, since all corporations are created by state authority, their Achilles heel, being their charter of existence, has almost never felt the arrows of their critics. Corporations that are created by state charters are deemed “artificial persons.” States like Delaware and Nevada have made a revenue business out of chartering corporations under permissive laws that concentrate power at the top of autocratic commercial hierarchies, leaving their shareholder-owners with very few options to control the corporations they own. Since the early 1800s, states have chartered corporations, giving their shareholders limited liability. The maximum they can lose is the amount of dollars invested in their company’s stocks or bonds. The modern history of corporate law is now aimed at maximizing the limited liability of the corporation itself.

The architecture of corporate immunity, extending to their top executives, has never been higher with the onset of deferred prosecution agreements becoming the norm as the caseload of corporate criminal cases by the Justice Department and their state counterparts continues to decline. An additional consequence, as noted, has been the precipitous decline in jury trials at both the federal and state levels involving major corporate defendants. Corporate law firms specialize in replacing the rule of law with the rule of power, building an ever more mature, heavily subsidized corporate state, all the way to modifying corporate bankruptcy law into a routine escape hatch from the arm of the law and accountability to millions of corporate victims looking for civil and criminal justice.

Corporate law firms take great care as well in touching all the control bases governing or shaping their profession. These include law schools, bar associations, and state disciplinary agencies. The few faltering exceptions to their grip serve to illustrate the futility, so far, of any liberation efforts dedicated to reasserting independent professional ethics in action instead of the corporatization of corporate lawyers and their now incorporated law firms. The corporate law firms become one with their corporate clients and are unwilling to simply say “no” to corporate excesses. These firms develop departments dedicated to swaying elections, union-busting, stifling civic voices, intimidating the media, and taking away the general tools of consumer protection. These actions reach well beyond representing their clients on specific matters. These extracurricular victories are then brandished to acquire more corporate business.

So commercialized have these firms become, with the bar associations in tow, that they declined, as “officers of the court,” to condemn the blatant impeachable offenses and open criminal statutory violations of first-term President Donald J. Trump and other presidents. In Trump’s second term, his greedy lawlessness is finally making headlines, though limited to Trump’s extortions on selected firms. In some instances, they have offered their service to enable such lawlessness, as described in David Enrich’s book on the Jones Day law firm. By luminous contrast, see how in 2005-2006 the American Bar Association produced three white papers regarding constitutional violations by the Bush/Cheney Administration. (See the [ABA White Papers](#) at [nader.org](#)).

Unchallenged year after year, these ever-enlarging law firms have escaped media and academic criticisms, in part because they eschew publicity and work secretly and behind the scenes wherever possible. Their hegemonic success has reached levels where powerful exposés of their corporate clients' misbehavior are like water off a duck's back because of the absence of effective disciplining and countervailing forces befitting a democratic society. These corporate law firms have become almost exposé-proof within a severely weakened system of laws and professional oversight. (See *Servants of the Damned: Giant Law Firms, Donald Trump, and the Corruption of Justice*. By David Enrich, Mariner Books, 2022).

5. How Our Economy Gives the Plutocracy Its Resilience

It is important to examine the controlling heights of corporate power, hitherto described, on the ground-level provision of goods and services that meet the conditioned expectations of consumers and workers. This is where small businesses primarily operate. Small businesses are different in both degree and kind from the 1000 giant corporations working their will in our political economy. Here are some relevant maxims that produce positive dynamics in our economy:

1. Price and quality competition restrain monopolistic practices.
2. Pride in the delivered product and service—often called pride in craftsmanship—benefits consumers. We all know vendors from the professions to the trades, from conscientious Main Street family-owned businesses to skilled repair people coming to our homes who exemplify these qualities.
3. Businesses that buy knowledgeably from businesses foster quality control and pricing restraint down the supply chain.
4. Effective regulation sandpapers the rough edges of wayward businesses and leads to the adoption of innovations, as has been the case in environmental and consumer sectors, such as auto safety and pollution control. This, in turn, has created safer markets and new jobs.
5. Criminal prosecution and civil tort liability, where applied, punish and deter economic, health, and safety harms.
6. Consumer know-how and informed choice provide feedback that signals rejection or affirmation of business actions based on personal experiences and factual awareness. The consumer market for nutritious foods, for example, has come from consumer groups informing aware shoppers, assisted by required food labeling.
7. Workers organized, in unions or otherwise, insisting on fair treatment across the board, with legally protected whistleblowing advocates from the ranks of labor, foster both accountability and deterrence up the corporate ladder.
8. Businesses pressing other businesses to higher levels of performance, as did Archie Boe, CEO of Allstate Insurance Company, by pushing early for the adoption of airbags

by the auto industry, serves as a model for other business leaders. Here, exerting the loss prevention interests of the insurance industry pressured companies to adopt safer products (e.g., airbags) and earlier to improve the safety of industrial equipment and practices (e.g., insurers insisting on safer industrial boilers in nineteenth-century factories as a condition of selling insurance coverage).

9. *Government purchasing* can have a wide stimulatory effect, with recent examples being renewable energy, safer vehicle devices, more nutritious school lunches, VA and Pentagon price negotiations with drug companies, and the development by the Department of Defense’s medical scientists of inexpensive anti-malarial drugs made available worldwide. The National Institute of Standards and Technology (NIST) has also had uplifting effects over time. In 1988, the Center for Study of Responsive Law organized a conference on “The Stimulation Effect: A National Conference on the Uses of Government Procurement Leverage to Benefit Taxpayers and Consumers.” The presentations from this conference offer important lessons for today’s government officials.

At this juncture, it is important to summarize the conditions that have led over time to the provision of goods and services that meet consumer, worker, and community needs. These conditions are a necessary, though insufficient, basis for understanding that part of an economy that works along with the malevolent and avaricious forces that have always degraded and subtracted from its benefits. They include (1) quality competition; (2) the self-motivated drive of founders, entrepreneurs, artisans, family farms, and small businesses to achieve superior performance; (3) accountabilities that proceed from regulation—health, safety and economic standards, criminal prosecution and civil tort liability; (4) a discerning visual evaluation by informed or demanding consumers, able to reject outright a range of products and services; (5) the occasional moral compass of top executives doing what is right; (6) the fear of ethical whistleblowers within the ranks alerting the public to misdeeds or hazards; (7) evaluations and ratings by consumer testing groups; (8) investigations and editorials by the media; (9) investigations, revelations and protests arising from university campuses; (10) cooperatives and cooperative buying and selling groups; and (11) the international (ISO) standards movement crucial to safety and interchangeability.

To the extent that these market and non-market disciplines operate, the economy better serves the citizenry. However, large companies often consider such disciplines as hostile to their control and profit-maximizing policies. They strive to weaken or overcome restraints that curb those marketplace actions that undermine the general well-being of people. There are on-the-ground economic forces that need constant public attention throughout our political economy, from public policies to market improvements. New, potentially disruptive and unassessed technologies are deployed by corporate predators long before governments and other countervailing forces evaluate potential threats or create mechanisms to oversee new developments. Artificial Intelligence, genetic engineering, and nanotechnology are fast-moving extensions of corporate commercial priorities and coercions.

It is vital to recognize the founders of successful businesses who condition how they make profits by self-imposed standards of care for their workers, consumers, environment, and communities. This results in exemplary performances that the government, the media, and the public at large can use to critically measure the “profits at all costs” priorities of corporate executives fol-

lowing clenched-jawed market fundamentalism. Founders of such businesses have sometimes formed associations of like-minded entrepreneurs. For example, Business Executives Move for Vietnam Peace (BEM), started by Henry E. Niles, board chairman of the Baltimore Life Insurance Company, and Harold Willens, Californian president of the Factory Equipment Supply Company of Los Angeles. BEM pressed for a stop to this quagmire war in Vietnam. Business leaders Yvon Chouinard, Anita Roddick, and Paul Hawken formed coalitions to pursue common ecological objectives. (For more information, see my book, *The Rebellious CEO: 12 Leaders Who Did It Right*, Melville House, 2023). Such CEOs make important contributions to debunking the notion that starting with moral operating business principles cannot result in consistent profits. Unfortunately, some of these model companies get sold to large conglomerates as their founders age or pass away. However, the achievements of the Interface corporation—the world’s largest carpet tile manufacturer—in achieving carbon neutrality in 2019 while increasing profits, Patagonia’s utilization of environmentally benign and consumer-durable outdoor clothing and climbing products, and John Bogle’s Vanguard a mutually owned company driving down brokerage fees for tens of millions of small investors remain as powerful standards against which their less commendable competitors can still be measured and challenged. More executives who “did it right” are profiled in *The Rebellious CEO*.

However, giant conglomerates are no longer run by founders. They are led by executives encircled by daily pressures resulting in what has been called a powerful climate of *situational ethics*. Outside of their business lives, they may live prudently as members of a community, reflecting the golden rule of behavior, which, by the way, is what operates in the vast majority of daily informal interpersonal relationships around the world. At the helm of companies aggressively pursuing expanding sales and profit, in a dog-eat-dog executive environment, the worst traits are brought to the forefront and rewarded in the short term, whatever the longer-term consequences may be, astride the planet. The annals of business history are replete with stories of people who are kind and nice in their private lives, but in their company roles sell deadly, addictive, harmful, polluting products and services, cheat consumers, mistreat workers, or even damage their own firms.

6. Ideals, Positive Economic Maxims, and the Market Discipline Evasion

The inherent corporate drive for control—for predictability and growth—is behind the widespread, unprecedented strategic planning in just about every sector of our political economy and its underlying culture. The modest boundaries that cultural or legal barriers placed on commercial incursions, and against a dominant dogma where “everything is for sale,” are collapsing. “Off limits” is not a constraint that corporations observe. Their trajectory is to close the widening circle of commercial inclusions. As noted, their marketing to children is a current case of constant aggressiveness. A culture where it was “off limits” to directly market to children started disintegrating with the advent of the television age and its “kiddy shows.” Television advertising to children started with sugary cereals, sweets, sugary drinks, and toys. The medium, then, at least could be monitored or limited by dutiful parents or adult relatives.

Fast forward to today’s direct marketing to kids, which now reaches toddlers, with far greater penetrating products and violent entertainment through the medium of the “smartphone” in the hands of the children.

The control extends to click-on fine-print contracts (“terms and conditions”) binding the children directly. The exposure to the Internet via smartphones and computers now ranges from five to seven hours per day for many of these youngsters. The induced addiction is a planned marketing strategy by the wardens of the Internet—knowing and willful—so that more time, more ads, and more personal data are seen as resulting in more profits.

On February 4, 2024, *The Hill* newspaper reported, “Meta CEO Mark Zuckerberg told the Senate Judiciary Committee that there is no link between social media and negative mental health outcomes among young people.” According to *The Hill*, “Zuckerberg’s statement was met with disbelief by many on the committee, who are all too familiar with stories of children enduring cyberbullying, extortion over explicit photos, and social media posts that glorify or encourage harmful and unhealthy practices. Moments later, he then had to face the parents of children who had been harmed by that same social media and apologize to them.” The youngsters, regardless of their cultures and traditions worldwide, are victims of the greatest abduction—both mind and body—of offspring in human history, other than slavery. These children become separated from family, community, and nature and experience all the loss of development and consciousness that goes with that isolation from real people and immersion into the virtual reality Gulag with its Metaverse and misnamed “Augmented Reality.” Who knows what more is on the horizon of AI and corporate avarice? We only know there will be more. Many state attorneys general have joined together for a wide-ranging lawsuit against the companies to curb their relentless electronic targeting of children.

Such methods are refined for corporate planning depending on the sectors where they are exercising their power. The scale and range of their advancing control are both methodical and breathtaking. “Methodical” because the justifications are always the same—the more efficient free enterprise system, the superiority of markets, and the alleged inferiority of existing public systems or policies that need to be displaced. “Breathtaking” because corporatism—as an expansive ideology of control—is interested in everything of any profitable significance, most recently in Internet gambling and youngsters.

Corporate strategic planning now covers governmental operations, elections, the tax and expenditure budgets, energy, food, shelter, banking and credit, insurance, the rights of consumers, labor, small taxpayers, the safety of air, water, soils, and climate, the disposition of the varied commons, including the public lands and public airwaves, the controls of savings in mutual and pension funds, the nature of fiscal and monetary policy, the vast military-industrial complex, and of course, the medical/industrial complex. It relentlessly moves into traditional public sector services such as the public schools, the U.S. Postal Service, Medicare, and other allocations and investments of public budgets at local, state, and national levels, the workings of the IMF, the World Bank, and tax havens domestically and internationally and the locations of manufacturing in permissive, low-wage countries under the aegis of corporate-managed trade agreements.

The lesson of history, in particular that of our country, is that justice marches forward when commercial values are subordinated to the discipline of civic values. The carriers of these civic values were self-empowerment of the downtrodden, elections, legislation, regulation, judicial decisions, and media transmission. At each breakthrough point—whether for farmers, industrial workers, women, minorities, children, or the ailing—short-term corporatism eventually discovers that such democratic movements are good for business, yet corporate titans still mount opposition to any further advances, any further tools for a responsive democracy, any further more hu-

mane uses of emerging technologies, any further readaptation of capital, any further peace-making with other nations, or any further recognition of the needs of our posterity.

With each passing year, the structure of the giant multinational corporation is sheltered by impenetrable state-awarded corporate charters, governed by the usurping doctrine of corporate personhood. It is further shielded by mechanisms of immunities, avoidances, evasions, and diffusion of accountability through subsidiaries, joint ventures, mergers, tax schemes, jurisdictional flight, and bankruptcy-led recoveries, as it demonstrates severe incompatibilities with democracy and equal justice under enforceable laws. The very essence of the large corporations' artificial entity presents immensely superior advantages over human beings, no matter the latter's wealth or status. As a power-concentrating machine, the giant company, known to lawyers as an "artificial person," has no peer among real human beings. It suffers no shame, no functional sense of remorse, no susceptibility to social mores or cultural sanctions that serve to restrain human uses of power. Giant corporations routinely bounce back from their reported corporate homicides, thefts, and brutishness in ways totally beyond the vulnerabilities of humans whose careers can be destroyed by errant misbehavior or expression.

The determinative and invasive penumbras of corporate power deserve mention as sources of savage inequalities. Companies are surprisingly adept at externalizing or transferring their monetary and toxic pollution costs onto innocent people or the public at large. They shape and practice pricing systems, cruelly rewarding the trivial, entertaining sectors of their markets, while depriving underpaid laborers working in areas of necessity, such as harvesting our food, caring for the elderly, or caring for our children. They promote products that addict, sicken, and kill their customers at a young age and escape responsibility by attributing blame to the addicts (e.g., the tobacco and opioid epidemics and swelling gambling addiction over the Internet). Their damage to humans is, in turn, followed by profitable products that are claimed to treat the damage that could have been prevented or mitigated in the first place (e.g., the food processing industry's direct connections to increasing obesity and related ailments opens markets for pharmaceutical companies).

With few exceptions, large companies do not challenge recognized abuses in other industries as would befit the practice of corporate citizenship. Mum's the word! Worse, their unstoppable crimes or criminogenic behavior becomes a competitive advantage against honest competitors (e.g., latent dilution of product quality and ingredients). When sued by their victims, corporations can use their companies' deductibles and insurable monies to achieve settlements below value due to wounded plaintiffs' inability to wait out their opposing corporate lawyers for years.

Major corporations have a staggeringly greater capacity to reach more people in more markets more quickly with their deceptive or harmful goods and services. Civic groups or budget-strapped regulatory agencies cannot begin to reach as many people in any given amount of time. Consider the history of trying to counter the delivery systems of tobacco, excessive promotions of alcohol, phony diet pills, and other ineffective and/or unsafe over-the-counter medicines, chronic and lethal over-prescription of antibiotics, junk food, drinks, and more recently, the marketing of vaping products. The *New York Times* reports a survey in 2023 finding "roughly three in ten adults have been addicted to opioids or have a family member who has been." (See the article, [Addiction Help Eludes Many, A Survey Finds](#) by Noah Weiland, *New York Times*, August 16, 2023).

Remarkably, by taking away our freedom to negotiate contracts under their fine-print contractual ultimatums, companies acquire a vast foundation for unstoppable leverage to overcharge, penalize, underserve, deceive, frustrate, and otherwise harm consumers.

Corporations also dominate by defining and controlling the very yardsticks of measuring the progress of the economy. Control of yardsticks like the hollow, non-qualitative GDP or placing yardsticks of *aggregate* wealth over yardsticks of the *distribution* of that wealth pervades business economic reporting and research. A casual look at the many indices that regularly mark media reporting on the economy demonstrates the heavy emphasis on quantity without adding quality indices.

Over the years, the chairs of the Federal Reserve would report annually to the Joint Congressional Economic Committee with the opening assessment that our economy is sound. For whom—the profit makers and takers? There would be no mention of the state of child poverty, uninsured families, and the crumbling state of our public infrastructure.

Omitted is the reality that bad things happening in our country—such as fossil-fuel-provoked climate disasters, crimes from the streets to the suites, unhealthy living and eating habits, toxic damage to property and health, wasteful consumption of energy, and unnecessary complexities in tax and other financial sectors—converge perversely into economic demands for goods and services that spell more sales, profits, and jobs. Corporate pressure has demolished our progressive tax system, decreasing taxes for the super-rich and corporations to record lows, incessantly demanded and received record subsidies, all of which have led to higher deficit spending. The main thing on CEOs' minds is “Now,” short-sighted behavior that has been roundly condemned by business leaders from Peter Drucker to Warren Buffett.

The control of economic yardsticks affects the kind of public agendas and media coverage we encounter, the content of our electoral and political deliberations, and even the kind of candidates who decide to run for office. When there are yardsticks for street crimes but none for corporate crimes, candidates are likely to run on the publicized street crimes and not on the underpublicized crimes of businesses, which, either by criminal negligence or knowing and willful decisions, cause immensely greater mortality and morbidity than the violence at the street level. Johns Hopkins medical researchers estimate that 250,000 lives are lost annually in US hospitals due to medical errors of commission or omission. This makes deaths from medical errors the third leading cause of death in the U.S. There are also tens of thousands of annual fatalities and sicknesses from traumatic and toxic occupational and environmental exposures.

At times, yardsticks from public health agencies relate declines in life expectancy or infant mortality data, but by and large, the business economists and the business media rule the roost in reporting how we publicly evaluate our economy from month to month and quarter to quarter. That is a lot of power over what is discussed and acted upon.

The added absence of normative yardsticks for personal corporate behavior, as compared to people's behavior, can be encapsulated by the word “patriotism.” Companies can move whole industries, such as the production of medicines abroad, to escape paying fair wages and meeting stronger standards for consumer and environmental protection in the U.S., without being charged with a lack of patriotism. Similarly, they can goad our government into wars of choice with terrible consequences for both people abroad and lower-income U.S. military recruits and still adver-

tise themselves as patriotic for pushing the production of ever more weapons of mass destruction as the “arsenal of democracy.”

The common retort to all this is, “Don’t you understand that is what corporations are supposed to do—make more sales, profits that reward richer bosses? Corporations are not debating societies. They are artificial entities driven to make money and more money.”

That is precisely why such a monistic commercial corporatism should never be allowed to aggregate political power that renders its economic power so predatory and unaccountable. Corporations are top-down authoritarian structures where First Amendment rights of free speech are not applicable, where deviance by those who wish to add other values to the dominant profit-maximization goals is addressed with sanctions ending in discharge. Unlike democratic, constitutionally enhanced arenas outside the corporate world, the supremacy of profit solidarities are barriers to dissent but also the glue for the internal discipline of corporate operations. ExxonMobil is not driven by internal doubts and debates over displacing its fossil fuel sales via a prompt transition to renewable energy. Wall Street executives do not have to deal with vigorous internal debates about giving their shareholders and investors more power over their companies. While this sharp focus may lead to singular motivations to get things done as they planned, it is not congenial to determining or expanding parameters of our democratic society to lift livelihoods, freedoms, distributive justice, preparedness, and voice by the populace.

New technologies by corporations widen the relative power gap with people. For example, the adoption of computers facilitated more impersonal billing fraud with inscrutable bills written in code. This is true with both small and larger dollar entries of overbilling. Harvard expert, Professor Malcolm Sparrow, an applied mathematician, estimates conservatively that billing fraud in the U.S., just in the healthcare industry, amounts to an average of \$1 billion a day, or about ten percent of all healthcare expenditures. In 2023, that amounted to \$360 billion!

Computers enable massive surveillance of workers, whether at the workplace or remotely. *The Age of Surveillance Capitalism* by Shoshana Zuboff elaborated on this surging practice, among others.

Telecommunications technology is used to restrict personal telephone access to company representatives by consumers. Almost gone are the days when real people answer phones, when CEOs have receptionists who answer random phone calls. Coming fast is the elimination of access to a company’s phone number altogether. This deliberate incommunicado policy is designed to save on labor and to wear down or drive away the complaining customer. Voicemail and its press one, two, or three, with long intervals of music, means long customer waiting times, resulting in having to hire fewer workers. Large banks often decline to return telephone calls from depositors.

More serious is that there is a concentrated effort by large companies to push people online and off cash and checks for obvious controlling, marketing, and overcharging purposes.

Beware of the oncoming fusion of the Artificial Conversational Entity (ACE) with artificial intelligence (AI), especially generative AI. This ultimate automation over human beings—and not just in the exchange of goods and services—may become one of the most portentous, nay ominous, challenges of our century. It becomes more so with governments also moving into AI, in-

cluding the specter of autonomous weapons already part of internal government R&D and procurement contracts with industry.

These and other technologies harnessed for corporate use are well beyond the reach of individuals, citizen groups, and most small family-owned businesses outside the embrace of franchised chains.

Once the barriers of commercial-free zones were broken some fifty years ago, the commercial world stopped recognizing most limits on marketing. They do not voluntarily pull back once they realize or are made to realize the mounting harms from their driving forays. As noted, this can be seen in the *direct* commercial exploitation of youngsters now down to the age of toddlers and babies. It can also be seen by breaking through organized religion's opposition to gambling in a decades-long concentrated onslaught that started with the opening up of Atlantic City to casinos, managing government lotteries, and more recently, breaking through bans on sports gambling and using Internet technology to promote gambling via smartphones and personal computers.

The absence of self-imposed limits to corporate control strategies clears the way for dangerous, unbridled, runaway *commercialism*. When powerful monetary forces, able to add political power to their arsenal, overwhelm non-monetary civic values, including non-monetary gift exchanges that bind a culture deeply, the resulting combination of ever-concentrating greed and power results in a society dominated by plutocrats and oligarchs. With nearly half of debt-ridden American workers living paycheck to paycheck, bereft of family social safety nets possessed even by some developing countries, a ruinous military empire astride the globe devouring public budgets needed for necessities and preparedness here at home, such power is not difficult to discern.

We're already well on the road to an entrenched autocratic corporate state servicing the priorities of insatiable corporatism. This is quite a triumph for corporations *uber alles*. The Constitution never mentions the words "corporation" or "company."

Robert A.G. Monks, a Harvard-trained lawyer, who has served as CEO of energy corporations, and on several Boards of Directors, built companies advising shareholders as a leading shareholder activist himself, thought for many decades about the giant corporate drive "toward limitless life, size, power, and license," which is "why it so frequently is at war with the interests of human beings," making "it a kind of rogue leviathan—a vast mechanistic system with a lifelike force but without the human range of emotions, including compassion, sympathy, even love."

As the author of several remarkable books tracing the evolution of his deep, historical knowledge of the large corporate entity over the centuries, Monks, who passed away in 2025, strengthened and redirected his remedies over the last two decades, which he believed must be rooted in constitutional and statutory authorities. In his nineties, he wrote about "the wholesale capture of American democracy by corporate interests, knowingly aided and abetted by the U.S. Supreme Court and unchecked by either of the major political parties, or by popular culture for that matter."

Monks, who was also an official in the U.S. Labor Department, continued, "Through Republican and Democratic Administrations, by neglect and intent, regulatory authority has been neutered virtually to the point of meaninglessness. In both chambers of Congress and in statehouses across the country, legislators stuff their campaign coffers with corporate largesse, sing from the appro-

prate hymnal, and rise in veneration to CEOs who are immune from prosecution but not to actions that in a saner time might well have landed them in the witness box ... Corporations increasingly are setting themselves up as, in essence, self-ruling city-states, effectively beyond the rule and often the taxing authority of the nations that harbor them.” (See, “*The Emperor’s Nightmare: Saving American Democracy in the Age of Citizens United*,” De Gruyter, 2022).

Thus, the transition to resurgence and recovery by organized or cohesive democratic *forces* and civic priorities becomes the urgent mission for our generation.

A comprehensive civic resurgence is defined by its objectives, which start with an informed public awakening mobilized for the necessity of using *law* to reorder the distribution of *power*. The corporate entity, referred to as an “artificial person,” must be constitutionally and statutorily subordinated to real human beings. The present “equality” of rights accorded corporate “personhood” has gestated a massive, accelerating inequality between corporations and people. The absurd construct of corporate “personhood” must be abolished, and corporations must be reined in by federal charters neatly circumscribing corporate activities from commercial-free zones exclusively possessed by human beings.

Corporations should be restricted to commerce, banned from political activity such as contributing to electoral campaigns, lobbying elected and civil service officials, or politically exerting their influence in additional ways. Of course, the people who work in these corporations lose none of their constitutional rights. A constitutional amendment is required for both clarity of interpretation and implementation. Meaningful “standing to sue” must be accorded to citizens and to official enforcement authority by a new Federal Corporation Commission.

The second fundamental policy objective is to reverse existing advantages given to major corporations and establish a series of advantages for local business enterprises. In the food, healthcare, energy, banking, transportation, family-owned housing, and other industries, local businesses should be given preferences. Local enterprises would promote “the general welfare.” Collaterally, our national security, now flouted by unreliable international supply chains and corporate ties with and dependencies on foreign suppliers of essential and non-essential products, would be diminished.

This *devolution* of our economic system has manifold benefits politically, economically, and socio-culturally. It helps preserve the family, neighborhood, and community—critical self-reliant pillars of a democratic society.

Devolution will also strengthen the roots of public services from being torn asunder and corporately usurped, as now is occurring in Medicare, Medicaid, public education, and even libraries. Local economies enhance a greater awareness of ownership and control of the commons and build defenses against the abduction of our children into the jaws of virtual reality by the Wardens of the Internet, generative AI, and other uncontrolled grasping anti-democratic technologies.

Local displacement of large corporations means reducing the scope of corporate crime, corporate welfare, and the twisting of the tax laws to benefit the corporate few against the many individuals. It allows a wide-ranging reform of the entire tax system, whose complexity and twistification feed many streams of concentration of unjust power and wealth, and escape from corporate ac-

countability in our country!

7. Moving to Action

To even get these two fundamental objectives on the table will require resurrecting an organizing approach from the past that emulates the work of the agrarian lecturers in the 1880s, which launched the populist farmers' movement in the late 19th century. The key element is the creation of a modern-day army of "lecturers" to personally speak with small groups of people from all walks of life in every community in the country. With proper advanced planning, at least three thousand full-time lecturers, speaking to an average total of 1000 persons each per week, would reach 150 million people personally in one year (See *Democratic Promise: The Populist Moment in America* by Lawrence Goodwyn, Oxford University Press, 1976).

This person-to-person mode of communication in an age of anonymity, remoteness, and Internet overload and clutter will be well received by people denied human contact in so many ways by corporatism and governmental bureaucracies.

Citizens have to be reminded anew that the ultimate authority in our democracy rests with them and that government derives its power from the "consent of the governed." The people hold the sovereign power, they have the voting power to choose elected government officials, and they have the responsibility to exercise this power when our elected officials treat constitutionally delegated power as if it were their entitlement. Citizens need to develop a higher estimate of their significance and band together to secure what they deserve and have earned. Too much has been either denied or taken away from them by the ruling cliques, including their human autonomy.

The success of the lecturers will require great skill and determination. They will also need to present a compelling call to action and agenda for change. They will need to develop the messages of fair play and just outcomes to enlighten and motivate their assemblies and to expose the power brokers' manipulative complexities into a common language. There is much to learn from the 19th-century populist movement. Through the lectures, farmers acquired a deep knowledge of the workings of the exploitative banking, railroad, and grain storage industries. Farmers rallied around the *Sub-Treasury Plan* to provide them with access to fair credit and other protections while they were growing food for an expanding country.

Today's lecturers could organize thousands of meetings every week that would generate ripples of civic excitement, media coverage, and the emergence of new civic energies to advance achievable scenarios for the good life—an authentic application of patriotism. Our nation is full of ready solutions for problems we don't deserve. This "democracy gap" has produced "democracy deserts" that will be fertilized by the new generation of lecturers. Just two or three enlightened billionaires can provide the short-term funding to make it happen.

Lifting the yoke of corporate stupefaction and releasing the refreshing consciousness of people will encourage us to tap into our collective inherent imagination, idealism, and enthusiasm, and reject the long-touted refrain, "it ain't going to happen," and the "divide and rule" machinations of malicious politicians propelled by their lobbying paymasters. (See, *Who Will Tell the People?: The Betrayal Of American Democracy* by William Greider, Simon & Schuster, 1993).

Common parlance about a just society is rooted in the Golden Rule, in the shared values of a great majority of people about what is fair, just, and free in practical daily living, but is largely absent from public discourse. As Hazel Henderson asks, “Why are we ignoring the overwhelming prevalence of the peaceful daily interactions between people and not building on them?”

A Sampling of Lecture Topics

1. Is it fair that corporations have a maximum tax rate of 21% plus loopholes, while individuals’ maximum tax rate is 37%? Is it fair that corporate executives can fly to Washington to lobby Congress and their corporations can deduct those expenses, yet citizens doing the same cannot deduct their expenses?
2. Corporations can shift their U.S. profits into tax havens abroad to escape U.S. income taxes, while workers cannot do this with their income. Corporations can create their parents—that is, holding companies—and breed children—that are subsidiaries, to escape laws in states and countries, but people can’t do any of that.
3. Why can corporations sue the government in their self-interest, but we citizens are told we have “no standing to sue” against governmental corruption, giveaways, bailouts, or unconstitutional uses of our tax dollars? That’s shutting us up by shutting us down! That’s what dictators do!
4. Why should corporations that cheat, steal, injure, and bungle get bailed out by Washington? Nobody will bail out “We the People” if our small businesses fail.
5. Why do our politicians give away the gold, silver, and other “hard rock” minerals that *we collectively own* on federal lands to U.S. and foreign mining corporations? Those are our minerals. This outrageous theft is promoted by the mining lobbies and, in 1872, was made law by Congress.
6. Why do corporations and their advertising-controlled TV and radio stations get to use our public airwaves free, but we are not allowed to use the airwaves for our own “people’s network” with our own studios, producers, and reporters, with us, the people, in charge? It is our property, and we want it for our children.
7. The death penalty still exists in many states. Why isn’t there a corporate death penalty when the company kills thousands of people by pollution, dangerous medications, deadly promoted addictions, and other life-taking ways of doing business? We should require federal charters for corporations that could be revoked if corporations break the law. Or we could throw criminal recidivist corporations into receivership and reorganize the offending corporations with new executives, board members, and governance.
8. It’s crazy that corporatists call Medicare and Social Security and the Postal Service, which we pay for, “socialism,” when big business gets bailouts with our taxpayer dollars without any prior payment obligations. They often pay little or nothing for their crimes and rip-offs. They’re laughing at us all the way to the bank. Why do we let them get away with our money, allowing corporate crime to pay?

9. We lose control over the money we have once we give companies our credit card information. They can charge us whatever gouging fees they think up without our approval. Then there is all that personal information they collect about us, which they sell, without our permission, to anyone who can pay. Corporations keep information about their practices and products as “trade secrets,” but want to collect every bit of information possible about consumers. Moreover, they often negligently expose millions of people to identity theft every year.

10. From a rendition of how the public lands, the public airwaves, trillions of dollars in mutual funds and pension funds are controlled, the citizen assemblies could see the overcharging fees, the vast clear-cutting and strip-mining, the mountain-top removals, and the poisoning of rivers, oceans and beaches by visible wildlife killings by coal company mining and oil company spills. All this devastation suffered by innocent victims is caused by corporate freeloaders.

11. People hear about matters affecting their daily lives, but are not given time on radio/TV/cable networks. Why can't we have the public services and social safety protections that people in Western Europe and Canada get in return for their taxes? Many people in the U.S. have friends in other countries who can't understand the struggle here to afford daycare, care for their elderly parents, maternal leave, have universal health insurance (See *Growing Costs of U.S. Health Care Corporate Power vs. Human Rights* by John Geyman, Copernicus Healthcare, 2025) paid family sick leave, and the higher minimum wage and retirement security. A grizzled veteran attending a public meeting exclaimed, “We won *World War II* and got nothing compared to those who lost the war or had their countries wrecked, including Germany and Japan!” Two rows behind him, an elderly woman replied, “Because our tax dollars are spent on the Pentagon and weapons of mass destruction, amounting to over half of our federal budget. This starves the needs of the American people and our children. That's why.”

12. To be sure, corporate methods of control have different impacts depending on their victims' vulnerabilities. The poor pay more for shoddy merchandise or services (e.g., Pay Day Loan terms), but as corporations of greater size intensify their harms, they affect all their customers indiscriminately. Fine print contracts, caps on damages for wrongfully injured plaintiffs in courts, environmental violence, excessive prices of energy, drugs, and food, for example. Not getting their calls returned by companies and agencies frustrates everyone. Moreover, a uniformly common resentment is with their government not being there for them routinely and at moments of crisis, being AWOL or unprepared, as with natural disasters, pandemics, and Wall Street corruption/greedy tax escapes/collapsing the economy into serious recessions, with their inhumane consequences for innocent people.

Where do these observations come from? From the people who would come to see and hear the modern-day populist lecturers' riveting presentations. With many kinds of graphic evidence, the lecturers could expose the web of exploitation and propaganda that generates daily anxiety, dread, and fear, which leads many desperate people into addiction to the profiteering industries of tobacco, alcohol, drugs, and more.

Pleasant, amiable, respectful, clear-talking lecturers could elaborate on their messages with brief videos and excerpts from experts, culprits, and victims, some from the localities where they are speaking.

The lecturers will have to be focused. Their delivery must be built on describing realities to their audience, stimulating their emotional intelligence (fire in the belly), and conveying how existing tools and knowledge people can be used to generate successful actions.

The lecturers will remind people of the various ways corporations and their government allies control them and can keep saying no to legitimate needs “We the People” have paid for as consumers and taxpayers. “They” included *all* patients, *all* children, *all* tenants, *all* workers, *all* voters, and *all* small taxpayers, regardless of the political self-labeling. This all-embracing community approach encourages coalitions that can be unstoppable. They will always end by saying that people to obtain these needs must take control of Congress, state legislatures, and city councils.

With two events per day, the lecturers would have ample time for back and forth with the citizenry, which gave them opportunities to give impressive historical examples of ordinary people overcoming grave injustice throughout American history, how they accomplished advancing their freedom and safety, and opportunity, and what tools and strategies they employed. To those in the audience who despair and exude defeatism, the lecturers could ask the gathering to name any major advance in justice for the people. Lecturers could also remind their audiences that an active *one percent* of the people, reflecting public opinion, can influence lawmakers at the local, state, or national levels to achieve important reforms.

The Socratic method will make the lecturer’s presentations engaging and enjoyable. Audiences will start to see how they can count, matter, and contribute to a good society and a good life. They will realize that they are not using the tools they already have at hand to make the changes, like targeted, informed voting turnout. Attendees will understand that they can press for corporate regulation (law and order), use the courts, summon the lawmakers to their town meetings via powerful, precise petitions, and even discover services from government that they were qualified to receive but did not know about.

The lecturers will expose the huge lack of reciprocity between what the government is pressured to do for corporations, compared to what consumers and workers receive, who are in need of health, safety, and financial assistance. Highlighting the absence of fair play will make people indignant. For example, corporations get tax abatements for their property or tax holidays, and the Wall Street Barons got bailed out by small taxpayers in the trillions of dollars in 2008 to 2009. The reaction to such revelations by the lecturers could provoke the audiences to say, “Nobody bails us out as taxpayers; we get the bills imposed on us when we didn't have anything to do with those corporate crooks.” The law registers a double standard, the big boys almost never are prosecuted and sent to prison for stealing billions of dollars or sickening and injuring great numbers of people. Individuals forging small checks or selling small amounts of street drugs or simply using marijuana (until recently) are given long jail terms. Of course, the big bosses often hide behind their “too big to fail” as buffers to ensure their immunity.

The lecturers should always urge people to advocate initiatives that nobody can stop them from creating. Such as starting legislative watchdog groups, food, housing, and health cooperatives, running for local office, especially when the incumbents have no challengers, using existing

rights of referenda or direct democracy, bypassing state or local legislatures. Winning public funding for elections would help smooth the way for organized citizens to pursue many worthy goals.

Good lecturers will spark calls from the audience for more information, and good lecturers will respond with the mantra that “Readers Think and Thinkers Read” as the basis for sustained elaboration of a just society. Lecturers will stress that “a government of the people, for the people and by the people” is essential and that major corporations are, as the early corporate charters intended them to be, our servants, not our masters.

Lecturers will provide their audiences with reports, sample civic training materials, pamphlets and videos on how to mount effective citizen advocacy for victories and books such as my book, *The Seventeen Solutions: Bold Ideas for Our American Future* (Harper Paperbacks, 2012). This book will help equip the attendees with what they need to know, what they need to do together to invigorate a self-renewing deliberative democratic society reflecting that preamble to our Constitution that starts with “We the People.” *Not* “We the Corporations.”

The lecturers will also make specific, proven ideas for raising funds, for finding and training staff and volunteers, for getting over the likely dips and discouragements, and for sharing best practices or examples of initiatives and programs that are working in various communities available on a website. In addition, the lecturers will offer online and telephone consultations with interested citizens.

The likely emergence of some very rich people impressed by such a revival of civic determination may attract support from those who want to scale up organizing efforts with major grants. They, too, are worried about the world they are leaving behind for their descendants.

Lecturers will leave behind a modest support system from their national office. The rest really is up to those in the audience who step up as leaders of various kinds. Lecturers will encourage attendees to form Congress Watch Locals, or state legislative or local City Council watchdog groups, to connect with their lawmakers and instruct them about what they should be doing or not doing. When people start vocalizing one by one, then two by two, the “rumble from the people” moves elected officials to act. This happened during the Nixon presidency. Nixon signed all kinds of good laws he detested—dealing with environmental, worker safety, and consumer protection. He even urged Congress to enact a minimum income program to alleviate poverty and a broader health insurance system because he heard the rumble from the people during the 60s and into the 70s. No one can stop organized citizens from starting a new rumble from the people, from summoning their lawmakers to regular or emergency *town meetings to hear and discuss their agendas*.

At an early stage, rumbles are expressions of people awakening, arousing, with demonstrations, rallies, marches, picketing, protesting with letters, telephone calls, and now emails, speaking out for varieties of just treatments, wherever there are decision-makers in government, in corporations, before union leaders. These “rumbles” are the *result* of rising expectations of what people need and can get with their civic muscle. Overdue needs they have earned and deserve have been withheld for many years.

Lecturers will sow seeds of justice, opportunity, freedom, and the like, but the people are the soil, the rain, and the sunlight. “It’s in the people’s hands.” That’s what a voting democracy does: it gives individuals the rights and tools to shape the present and the future.

Thomas Jefferson said, “...monied corporations ... dare ... to challenge our government to a trial of strength, and bid defiance to the laws of our country.” The best rumble to counter corporate power is direct personal interaction with the holders of power, our elected officials, the people who you want to make the decisions, and to make the change. The most successful citizen organizations focus personally on the lawmakers—intensely so, including their staff, and not only on marches or demonstrations. The latter often generates energy that goes into the ether and does not land directly on those decision-makers whom you wish to listen to you and react. If you are *serious*, not just *concerned*, about how badly things are going, visit our website, Nader.org and sign up to receive free regular updates. A daily democracy requires a daily citizenship by enough people to make a difference.

8. Corporate Power, Regulatory Authority, and Democratic Resurgence

As the Chief Federal Judge of the U.S. Court of Appeals for the Second Circuit, Learned Hand, emphasized in 1951, “If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.”

Lewis Powell’s memorandum in 1971 did not deal with the performance of big business other than to extol at a general level the “free enterprise system.” It was not intended to be an empirical effort to justify protecting, shielding, or promoting an idealized economic system. It was an ideological defense and advanced the customary less regulation, less taxation, and more aggressive “education” of the public to counter business critics. Nor did it touch on whether the corporate enterprise system was delivering deserved livelihoods for workers and honest and safe treatments of its customers, or declining to deliver necessary goods and services that our governments have had to provide, paid for by taxpayers.

This abstract approach was probably both deliberate and also reflective of Mr. Powell’s lack of interest in the negative impacts of large corporations on consumers, laborers, and the environment. Mr. Powell’s perspective probably had been shaped by his years of representing corporate clients. His lack of specificity served his target audience well inasmuch as it avoided provoking organized civic and labor groups and their supporters in government to take greater heed and rebut.

In the ensuing fifty-four years, the modern technological economy in its many dimensions is a far, far cry from the economy of 1971 (e.g., 7.1% in 1971 to 17.6% in 2023 of GDP to pay for healthcare). Yet the same general ideology of big business and its demands remains the same—less taxation, less regulation, conservative judges, more military expenditures, less business disclosure, and the weakening of countervailing forces by stakeholders, including their owners, the shareholders, *vis-à-vis* management/executives.

At the same time, the evolution of corporate supremacy has produced a political economy that is vastly different in both degree and kind from the Powell era. Bundled together, the extensions of

radiating corporate power are so intense, omnipresent, and innovative as to warrant the systemic term “corporatism”. As noted earlier, historic comparisons of economies are largely quantitative, as with measures of GDP, employment levels, profits, indebtedness, and the like. In both the business and academic literature, there has been a near vacuum in documenting the comparative power advantages of the corporate supremacists over both their adversaries and regulators. The gap that has opened up since 1971 is astonishing. This was brought about by sheer relentlessness built into the corporate DNA, to be in control with dedicated resources, exponential expansions of PACs and campaign contributions, strategies, and intellectual muscle mostly from in-house counsel, outside law firms, and business/law school professors who are eager consultants.

Compared to their weakly organized labor and civic challengers, the corporatists have an uncanny sense as to which opponents they must seduce, induce, infiltrate, or coerce to cease and desist. This is most apparent at the congressional, state legislative, and city council levels. The power differential over decisional bodies of law between corporations and their challengers is leagues greater than during the time of the Powell Memorandum. A similar towering power differential prevails and enlarges in corporations’ favor over parents authority over their children, audiences over their mass media, faculty/students over their universities, mobility between domestic and foreign jurisdictions, individual litigants over the courts, petitioners over regulatory agencies, people over international tribunals, individual access to campaign money and facilities, the people over the vast commons, and individual rights of equal protection with corporations. Corporatists’ priority now is to spread limited liability for the corporate entity itself, not just for shareholders shorn of their rights many years ago. These imbalances themselves have produced an all-purpose iron cloak of immunities.

The matrix of corporate power and control often delivers its enforcement by unilaterally imposing fine-print contractual “terms and conditions” on its relationships with consumers and with non-unionized workers. Where no relationships are needed, the people are simply excluded from participating in the decision-making, for example, of the “silent violence” corporations are putting into the water, the food, the soil, and many finished consumer products, such as microplastics and PFAS, known as forever chemicals. Excluded from explicit planning for the future is the fate not just of the citizenry but also that of the institutional and individual shareholders themselves.

Such staggering imbalances of power operate outside the open dialogues of elections, public hearings in Congress, or the debate and talk shows in the media. Political labels and philosophies make no difference. The ease with which corporations secure varieties of corporate welfare compared to the difficulties confronted by needy individuals seeking help from poverty-mitigating welfare programs is vast. Once instituted, corporate welfare programs go on automatically year after year, unlike programs for individuals. Imagine a means test for corporate tax expenditures and other handouts from the U.S. Treasury.

New technologies have overwhelmingly worsened the imbalance of power between Big Business and regular people. The digital revolution—so heavily developed by taxpayer dollars—makes it much easier and more efficient to engage in vast billing fraud right down to many billions of dollars fed by tiny overcharges, in addition to unprecedented commercial invasions of privacy. Biotech and nanotech spread rapidly and continue to empower corporations without any legal or ethical frameworks. Artificial intelligence is attracting public hearings and some assurances of

modest restraints, as it nonetheless roars ahead with corporatistic exponential controls over and displacements of human beings.

The outsourcing of governmental missions has become a principal occupation of civil servants. The bulk of NASA's budget goes to corporate contractors to an extent that a serious brain drain is incapacitating that agency from making independent decisions with the public interest in mind. A corollary of this corporate contracting out of government functions is the secrecy cloaking of government contracts. Attempts in Congress to require routine free access disclosure of the *full texts* of these contracts for public examination, instead of the brief summaries now available for many contracts, have failed.

The corporatization of the major professions—medicine, law, accounting, science, and engineering—has reached suffocating levels which would stun such practitioners, who in 1971 retained some professional independence while serving commercial clients. Not even a pretense is left, given the tightening of corporate shackles on so many professions.

On another plane of corporations *uber alles* is disabling the capacity of “oversight” institutions, such as totally defunding since 1995 the critical arm of Congress known as the Office of Technology Assessment (OTA), and cutting House and Senate Committee budgets. Business lobbyists work with fervor to make sure that Congress starves the budgets of regulatory agencies and the IRS. The success of corporate shaping of tax laws and a weakened IRS can be seen in many very profitable corporations paying no federal income tax. Just one worker in some companies sends more money to the U.S. Treasury than the company does on its U.S.-based profits!

Scholar/organizer Chuck Collins of the Institute for Policy Studies described in 2010 one example of many: “Congress has failed to close tax loopholes for global corporations, allowing thousands of profitable U.S. companies to pay no corporate income taxes at all between 1998 and 2008. For example, General Electric generated \$10.3 billion in pre-tax income in 2009, but ended up paying nothing in U.S. taxes.” These levels of tax escapes would probably have been received with discomfort by Lewis Powell.

By contrast, the military/industrial complex that President Eisenhower urgently warned the American people about in his farewell address consumes over half of the federal government's operating budget. This budget is unaudited. The Pentagon has admitted to being in violation of a federal law since 1992, requiring the annual reporting of an audited budget to Congress. This scarcely provokes a whimper from a part-time Congress holding ever fewer public hearings for remedial legislation.

Because of the cacophony of corporate lobbyists against regulation, calling it “over-regulation” and demanding “deregulation,” there are often missed arenas where these lobbyists erect their own controlling systems, cartels, and institutions that regulate consumers, taxpayers, and workers, and even small businesses in favor of large business entities. The major example is, obviously, the Federal Reserve Board, which is essentially run and funded by bankers and other financial institutions from Washington, D.C., down to its regional branches. Other illustrations of pro-corporate regulation operate inside the Federal Aviation Administration (FAA), the Food and Drug Administration (FDA), and the transportation agencies—highway, motor vehicle, and railroads. Pro-corporate regulation also proceeds from federal contracting and leasing operations.

Government protections for industry and commerce permeate the sealing of records based on mere claims of proprietary information and are laced throughout foreign trade agreements and their tribunals, such as NAFTA (now USMCA), WTO, and more specialized treaties. An added layer of protection comes with the blocking out of public citizen challenges, either to the particular decisions or the systems themselves. The pernicious antiquated judicial doctrine of “no standing to sue” eliminates wholesale democratic civic participation.

To gauge the depth of entrenchment of Big Business power, measure the response of the country and its laws to demonstrable breakdowns caused by corporate excesses. That happened on a major scale in the 2008-2009 Wall Street collapse, which led to the Great Recession involving huge job losses throughout the economy. In 2011, looking back on when bank deregulation commenced under Clinton, David Korten, author of the international bestseller, *When Corporations Rule the World* (Berrett-Koehler, 1995), summarized:

“Wall Street institutions quickly developed a more profitable business model. The model has come to feature excessive fees and usurious interest rates for ordinary customers, financing speculation, luring the unwary into mortgages they cannot afford, bundling the resulting junk mortgages into derivatives sold as triple-A securities, betting against the sure-to-fail derivative products as created, extracting subsidies and bailouts from government, laundering money from drug and arms traders, and offshoring profits to avoid taxes. Much of what provides profits to Wall Street either is, or should be, illegal.”

Although modest restraints in the Dodd-Frank legislation were enacted after the collapse, the freedom to speculate or gouge with “other people’s money” continues because Washington has adopted a first-responder position ready to provide varieties of rescues often without having to go to Congress. This is “socialism saving capitalism”—bipartisan and institutionalized for the plutocratic class.

The results that flow from this accelerating corporate supremacy have been recounted, but one fact deeply punctuates these deprivations. Over half of American families are living paycheck to paycheck or worse. The contemporary global corporations transcend Lewis Powell’s call for preserving the free market and its triumphs. They have become our unelected corporate governments. Benjamin Franklin and Thomas Jefferson had more than premonitions of what was emerging in their era of the young Republic. They knew a constant in human nature. When unbridled greed and power connect, they generate an insatiable appetite for limitless power. Any moral sense of self-restraint disappears.

These waves of domination can seem to be irreversible, unstoppable by short-lived civic victories. Moreover, the sinews of commercial advantage over our civic culture just keep getting stronger and more numerous throughout our political economy.

Yet with our Constitution, the people still have the cards, starting with the Constitution’s preamble, “We the People.” As noted earlier, corporations, companies, or partnerships are not mentioned at all. There are additional civic assets that proceed from this generic declaration of the sovereign people. Only the people vote. Only people do the basic daily physical work that gets everyone through the day. Only people own the vast commons. Only people can withdraw the consent and then proceed to scuttle the overreaching plans of corporatists. Only people can stop fighting aggressive wars and their military-industrial complexes. Only people, not corporations,

pay the lion's share of taxes. Only people can displace the corporate model of globalism with other delivery structures for the production of goods, services, and overall well-being. Only people can protect their children from corporate rapacity and the targeting of their young bodies and minds. Only people can create visions of alternative futures where civic, humane values are supreme, over values of commerce. Only people can reverse the automation of life, its activities, judgments, and resolutions from the swarming oncoming of corporate-driven, generative artificial intelligence. These are the assets for real change.

But holding the cards doesn't mean playing them in the many theatres of power that are and will determine the future of the human race and the natural world's mutual relationships for survival. Indeed, our vulnerable biosphere, the centuries-long persistence of human frailties, and the universal domination of the many by the few stack the odds against the people. But then the variables of future determinants are vastly greater than our capacity to foresee. The black swans roam the ether and could possibly emerge to assuage the certitudes of our present predicaments.

9. Summary and Conclusion

Corporate power is far more penetrating and controlling than described by Lewis Powell in August of 1971. Powell's prescriptions for corporations to take greater control of our future have taken root. Especially when Reagan began the drive to deregulate, to lower tax rates on corporate profits, and to entrench corporate welfare. Corporations accelerated their efforts to mold public opinion, to increase corporatist sway over academic institutions, and to propagandize, not just through their advertisements, but through the mainstream media itself. This onslaught has not slowed since it started.

The concentration of corporate power through mergers and political power through campaign PACs intensified unabated. It was furthered not just by the GOP in Washington but by the Clinton Administration, especially in 1996 legislation on behalf of the drug industry, the agribusiness industry, and the media conglomerates.

The Powell Memorandum was a small part of the secular corporatist movement. Liberals turned it into a frightful touchstone and exaggerated its catapulting impact. The ascension of Powell to the Supreme Court on January 7, 1972, also elevated the Memo's profile. It nourished the ideological self-righteousness of groups like the Chamber of Commerce in defending the assumed "free enterprise system."

Much of the corporate assault on democratic and civic values and practices would have happened regardless of the Powell plan for corporate assertiveness. The inbred dynamics of the corporate push for limitless power, limitless retained profits, and the dominance of commercial values throughout our society were always there. The self-inflicted collapse of the above-noted countervailing forces escalated the release of the latent aggressions built into the corporate motivational structure.

The relentless advantages that the corporate structure embodies have been increasingly rising and expanding the intrusion of commercialism into hitherto commercial-free zones, as previously noted. In 1959, a group of establishment legal scholars and economists authored a book whose

assumption was that the modern corporation was the most powerful institution in our country (See: *The Corporation in Modern Society*. Edited with an Introduction by Edward S. Mason; Foreword by A. A. Berle, Harvard University Press, 1959). Since then, the evolution of multifaceted corporate power controlling capital, labor, technology, mass media, the family, and culture has far, far outpaced a comparable expansion of civic and political strengths to hold accountable and steer the corporate Moloch along just pursuits, within and outside the marketplace, for the well-being of an overall democratic society.

These gross imbalances of power start with the very structure of corporate operations. Corporations can create their own parents, called holding companies, for evasive flexibilities. They can create scores, even hundreds of subsidiaries, including shell corporations to which they can download risks and liabilities, evade taxes, and avoid prosecutions and other shedding of responsibilities. They can acquire or merge with other companies to *buy* rather than having to *win* their customers. They can create dark money tentacles or corporate Political Action Committees (PACs) that expand their secret influence with each periodic election. They can deploy versions of themselves through generative artificial intelligence that are beginning to sound like Orwellian manipulations and deceptions on steroids.

It is said that justice requires a level playing field. This is the principle behind doctrines such as “equal justice under the law” or “all men are created equal” in our Declaration of Independence (apart from ignoring enslavement and the subordination of women at that time). Current statements such as “growing inequality” between the rich and the rest of the people are frequent. Rarely, however, do these caveats include the fundamental inequality between the structures of *corporations* and the status of *individual* persons. It is through the corporate entity that concentrated powers deliver so much of this “inequality,” or “unequal justice under corporatist ‘legal’ systems.” It is a generically unequal contest when the interests and rights of real human beings are up against the laser-like commercial interests of the for-profit artificial corporate entities, given equal rights as with real humans.

Real human beings, regardless of their wealth, do not have these capabilities that attach to “artificial persons” under corporate law. People cannot so easily relocate to jurisdictions around the country and the world as do multinational companies and their accounting/tax locations, so strategically.

With these structural superiorities, companies can attach ever more and deeper advantages in their interactions with human beings, be they customers, workers, individual investors, or suppliers. Equipped with the judicially decreed allocation of equal rights of corporations with human beings, with a few exceptions, such as not being able to plead the Fifth Amendment, corporations have erected a towering supremacy in more and more fields of human endeavor formally off-limits to commercialism. The commercial takeover of public services and the commodification of the “gift culture,” as with traditional family services, aggregate with every passing year. The pressures for these transformations come from the profit-seeking sector.

Government officials contract out more government functions than ever before. For example, companies have burrowed deeply into Medicare with their misnamed “Medical Advantage” programs. So too is commercialism moving into public schools via charter schools, defining consultants and curriculum priorities, and subordinating social studies courses. Billing systems

are designed, imposed, and enforced by a variety of payment system companies, leading to consumers trapped in a credit/debit Gulag's fine print, to be cheated in small and large ways. Billing fraud in corporate contracts with government agencies is rampant and huge, as noted. These bills are often in inscrutable code or delivered by companies, such as electric, gas and telephone utilities under weak regulation, that are nearly impossible to challenge. Moreover, large segments of billings to the government as the Department of Defense and the Intelligence agencies, are mostly secret and in other agencies protected by the umbrella of uncritically accepted claims of proprietary assets. Still, only a few states, but not the federal government, require the full text of contracts with the government to be disclosed.

Fundamentally, the People as consumers and individual taxpayers have lost control over their own money. Corporate one-sided contracts have expanded into control of large swaths of small businesses through dictatorial franchise contracts in their chain store networks.

With the return on capital outpacing the return on labor, the resultant power of making money from money, or "*unearned* income," severely imbalances power vis-à-vis people whose wealth comes from their work, or *earned* income. Whether in the political or commercial sectors, unearned income holders can outcompete their counterparts who are limited by what they can earn from their work. This is particularly true in business acquisitions (e.g., buying hospitals and medical practices) where cash-rich venture capital entities can outbid any earned income competitors in acquiring companies, further concentrating economic power in fewer commercially driven hands. This serious imbalance is furthered by the lower taxation rates on capital gains than on earned income.

Popular, homegrown cultures have long ago given way to a commercial corporate culture with huge entertainment firms and advertising swarms occupying the leisure screen time of people. This is not just the domination of a monoculture boring deep into the psychologies of children and adults 24/7, reaching deeply into family time with youngsters using their unsupervised smartphones for hours each day. It breaks down society's norms and moral values. Companies selling directly to children, bypassing parents, used to be a no-no. The World Health Organization reports that, "Industry analysts estimate global gambling revenue will reach US\$ 700 billion by 2028. Smartphone use in low- and middle-income countries will drive much of this growth."

Since a 2018 Supreme Court decision allowing legal sports betting, the number of states allowing online or retail betting has spread from Nevada to 38 states. Online betting is at the fingertips of 10-year-olds in their homes, who can bet not only on the outcome of a game but also on various outcomes within a game. The Journal of Behavioral Addictions found that, "Despite its illegality among adolescents, online gambling is a common practice, which puts their mental health and well-being at serious risk." The WHO states that "People gambling at harmful levels generate around 60% of losses (gambling revenue)."

Another norm broken by the military/industrial complex is championing peace and peace negotiations and treaties. The wartime industries need continual profits for their production of weapons. The norm of disarming and disbanding after a war ends (as with World War II) is gone. Moreover, consistent peace negotiations and peacekeeping treaties are a rarity, whether during armed conflict or when new conflicts, such as cyber warfare, are on the horizon.

Respect for truth and facts is blown away by wild and crazy shows and behaviors in “anything goes” profit at any cost. Politicians like Donald Trump accelerated the deception and disassembling by adopting the techniques from the worsening behavior in the commercial marketplace.

The corporations’ legalized, unregulated addictions take hundreds of thousands of American lives each year, as with tobacco and opioids. This could not have been accomplished so widely without the corporate shield and sword used against opponents. This has now been *proven* to extend to the corporate-induced addiction to junk food and junk drinks, starting directly with children and extending at times to the school lunch program. These are the kinds of “silent violence,” noted earlier, that are on a scale unreachable by mere humans acting as individuals.

So deeply embedded in our culture is corporatism that even the usually alert American Civil Liberties Union (ACLU) continues, despite objections from some of its members, to fight for corporate rights they see as equal rights with those of individuals. They treat companies as persons almost defiantly. It was the knee-jerk ACLU that defended the advertising rights of tobacco companies to develop a demonically effective marketing strategy. It was the ACLU that sent an amicus brief supporting the corporate side that prevailed in the U.S. Supreme Court's notorious decision in 2011, which goes by the ironic name of *Citizens United*, opening up limitless “independent” campaign contributions by corporations for or against candidates in election campaigns.

Most Americans have grown up “corporate” instead of growing up “civic.” By the time they reach 16 years of age, they have seen tens of thousands of *unrebutted* corporate ads on just about every product or service affecting their lives daily. Moreover, they don’t even think that they are giving up the freedom of contract when they click on or sign on the dotted line. It never occurs to them to ask for a change in the “terms and conditions” if they ever get to even see these shackles at all.

Corporatism is also deep in the groves of academe, especially the law schools and business schools. The chartered corporate/shareholder-owned model of conducting business is taken as a given and rarely questioned. For years, only the University of Wisconsin Law School students were offered a course on cooperatives, owned by their consumers. For generations, corporate crime was rarely taught and then called “white-collar crime.” The very words “crime,” “criminal justice system,” or “criminal law reform” refer to street and domestic crimes, almost never to the corporate crime wave, or crime in the suites, which takes a vastly greater toll on life, limb, and money. This indifference, which also applies to business schools, leaves more and more recent corporate harms without legal and ethical frameworks, and mostly bereft of scholarly theories of corporate power, coercion, control, and crime. Many books on such damage are empirical but rarely conclude with anything beyond the facts of their exposés. This gap is widening at a dangerous, accelerating rate. In concentrated corporate hands, encased in privileges and immunities, violating core capitalistic doctrines such as owners (e.g., shareholders) controlling their hired managers, the fast-developing generative artificial intelligence, genetic engineering, nanotechnology (See *Conflicts of Interest In Science: How Corporate-Funded Academic Research Can Threaten Public Health*, by Sheldon Krinsky, Skyhorse Press, 2019) and

autonomous weapons have left society's legal and moral restraints so far behind as to be inoperative.

Jettisoning or eroding systems of law toward their de facto nullification is the prerequisite for the deepening of the corporate state. President Eisenhower's farewell address reference to "the military/industrial complex" (originally in an earlier draft it was the "military/industrial congressional complex") was brief but extended to his point of costing the people their liberties. Eisenhower's informed warning has been cited *ad infinitum*, but without keeping his caveats up-to-date or with the restraints they summon. For now, giant corporatism has become a government, a corporate government using Washington and state legislatures to plan, implement, coerce, and back up with armed force if necessary. This merger of big business with big government is instrumental in strategically planning the commercialism of almost all sectors of our society.

Contracting out governmental functions to commercial firms is so widespread that it has been viewed as an expected phenomenon requiring little oversight by Congress and the media. By comparison, a 1971 congressional move to give the Lockheed Aircraft Corporation a \$250 million loan guarantee generated an uproar and heated public hearings. Speeches and testimony can be given to consultants to draft, making the final version acceptable to hovering lobbyists over these agencies. The mainstream media covers the lobbying by special interests and how much they repeatedly spend. However, the actual runaway delegation-procurement process under secret contracts receives far less notice. According to the Brookings Institution, federal contractors now outnumber federal employees by more than two to one. At an industry/Pentagon conference on the then novel proposal called "Acquisition Reform" during the Clinton Administration, an incredulous company attendee asked if what he had just heard was accurate. He was referring to a Pentagon acquisition official noting that the criteria for live fire weaponry testing itself could be contracted out for formulation.

Having profit-seeking companies perform governmental missions has several problems, such as the real potential for corruption, sacrificing performance for profit, and conflicts of interest. Moreover, fewer and fewer contracts of significance are put out for competitive bids. How can there be a competitive bid against General Dynamics for the construction of nuclear submarines?

The incompatibility of missions is in plain sight. Corporations are top-down, autocratic "private" institutions. They can suppress the free speech of their employees at any time. Governments, being "state action," cannot do the same under our Constitution. Corporations' all-consuming priorities are limitless profits, sales, and large bonuses for the top executives. Therefore, they seek limitless power. Their horizons or yardsticks are quarterly returns, rewarded or punished by the wealth-defining stock markets. Governments, on the other hand, have public service missions not shaped by how much revenue they return and with longer periods of executions and evaluations. The two institutions have different definitions of success and incentives. Corporations, with ever-widening tax subsidies, can pay more and are able to "brain drain" away skilled people, as is being done with NASA. Corporations lobby for taxpayers to pay for the basic research (e.g., computers, drugs) and then reap the profits as they turn the new knowledge into production. The same is true in the corporate patenting of inventions developed by public agencies such as the National Institutes of Health. These have been described as "technology

transfers,” and they are a major windfall for expanding corporate assets and undeserved, advertised reputational promotions.

Recognizing these differences in priorities, measurements of success, and short-term vs. long-term, Admiral Hyman Rickover often pleaded with Congress to have a Navy shipbuilding yard to provide measurable yardsticks competitive with private corporate shipbuilding companies. He documented companies ripping off the DOD, replete with cost-overruns, delays, and production defects. Half of the FDA’s budget comes from congressionally mandated fees paid by the very companies the FDA is regulating. This has led over the years to coziness and an unhealthy influence or “regulatory capture” of the FDA by the drug and medical device companies.

Of course, the now institutionalized dominion of corporate power goes well beyond the aforementioned incursions into the procurement and regulatory arenas. Compare, for instance, the incomparably greater range, penetration, and 24/7 continuity of the impact that Mark Zuckerberg Et al. are having on the American populace, starting with toddlers, than the corporate titans—Rockefeller, Carnegie and J.P. Morgan—of a century and a half ago. Take note of the crumbling of community institutions presently—the collapse of local news, the end of postal savings and the end of savings and loan associations in thousands of communities recycling local savings into local home mortgages issued by financial institutions structured to be “mutually owned” by hometown depositors. The loss of original content newspapers—daily and weekly—or the diminishment of their frequency has led to studies correlating their demise with lower voter turnout, lower attendance at community or town meetings, and generally lower levels of civic engagement across the board. Round-the-clock home-based television and internet entertainment further cleaves neighborhoods, communities and intra-family interactions.

With the rapid onset of the perhaps ultimate “controlling process” under the umbrella of generative “Artificial Intelligence”—called a doomsday self-generating robotic technology, if not controlled, by leading scientists in an open letter to the world ten years ago. The [letter](#) was published on October 28, 2015, at the International Joint Conferences on Artificial Intelligence. Astrophysicist Stephen Hawking, Apple co-founder Steve Wozniak and Elon Musk of Tesla Motors were some of the many specialists who signed this letter that called for a ban on autonomous weapons.

It is more fitting to call this contemporary peril to democracy, to humans, and other natural world beings, an invitation to a commencement. Just as university graduates completing their senior year call their celebration a commencement toward the life before them, view this contemporary response to Lewis Powell not as peering into a dark tunnel but as surveying through an open window the possibilities for a better future.

Staring into the abyss only assures the demise of the human species’ imaginative capacity to foresee and forestall its own extinction. We owe our posterity a legacy of deliberately reaching horizons where morality, reason and prudence become the pragmatic *sine qua nons* of a just society.

Ralph Nader
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